



Security Council

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GENERAL

S/1995/209
20 March 1995
ENGLISH
ORIGINAL: ENGLISH/FRENCH

NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION
TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. By a letter dated 27 February 1995, the President of the International Court of Justice, pursuant to Article 13, paragraph 4, of the Statute of the Court, transmitted to the Secretary-General Sir Robert Jennings' letter of resignation dated 15 February 1995. In this letter, Sir Robert Jennings gave notice of resignation as a Member of the Court, the resignation to take effect on 10 July 1995. Thus, a vacancy will occur on 10 July 1995.
 2. Sir Robert Jennings was elected as a member of the Court as from 6 February 1982 and was re-elected as from 6 February 1991. His current term of office would have ended on 5 February 2000. He was President of the Court from 1991 to 1994 and was a member of two Chamber cases (El Salvador/Honduras: Nicaragua intervening, 1986-1992; Elettronica Sicala S.p.A. 1987-1989).
 3. Article 14 of the Statute provides:

"Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."
- Article 5, paragraph 1, of the Statute provides:
- "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."
4. The President of the Court in his letter dated 27 February 1995 noted that:

"It shall, naturally, fall to the Security Council, in accordance with Article 14 of the Statute of the Court, to fix the date of the election to



fill the vacancy that will occur. However, I should like you to inform the Council that the Court intends to begin holding hearings in a case in the autumn of 1995, and it would be most appreciative if the newly elected member of the Court could participate in this case."

5. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting and to take into account that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy by communications immediately after the Security Council has set the date of election.



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LETTER DATED 20 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a table showing the 4,753 miscellaneous bombs, rockets, shells, mines and other ordnance, some of the remnants of the 30-Power aggression against Iraq, that were found and disposed of in all parts of Iraq in the period 1-28 February 1995.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Monthly bomb-disposal statement, 1-28 February 1995

No.	Governorate	Number and type of ordnance disposed of
1	Baghdad	1 detonator from a Russian 82-mm mortar shell 1 120-mm mortar shell 1 training grenade
2	Karbala	1 heavy artillery shell
3	Wasit	1 grenade detonator 1 anti-personnel mine
4	Maysan	2 120-mm mortar shells 5 anti-personnel mines 7 anti-tank rockets without detonators
5	Muthanna	2,893 strip bombs 40 spherical bombs 1 82-mm mortar shell 2 improved spherical bombs 1 tank shell
6	Dhi Qar	2 Strela missiles 2 25-mm mortar shells
7	Salah al-Din	3 abandoned mines
8	Basra	88 cluster bombs 2 25-mm mortar shells 88 cluster bombs 43 60-mm mortar shells 120 92-mm mortar shells 109 miscellaneous artillery shells 676 launcher rockets 150 rockets 200 FAZ anti-personnel rockets 250 charges 43 miscellaneous mortar-shell detonators 17 trip flares 3 abandoned mines



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LETTER DATED 20 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF
THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO
THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey to you the text of the thirteenth, and final,
report of the Multinational Force in Haiti, submitted to the Security Council in
accordance with paragraph 13 of Security Council resolution 940 (1994).

I would be grateful if you would circulate this as a document of the
Security Council.

(Signed) Madeleine K. ALBRIGHT

Annex

I. INTRODUCTION

1. Security Council resolution 940 (1994) authorized "Member States to form a multinational force ... to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti, and to establish and maintain a secure and stable environment that will permit the implementation of the Governors Island Agreement". The resolution further requests Member States of the multinational force "to report to the Security Council at regular intervals".

2. This is the thirteenth such report. It summarizes the operations of the multinational force in Haiti from 6 to 19 March 1995 and reports on the coalition's progress towards achieving the objectives laid out in resolution 940 (1994). As the United Nations will assume responsibility for the mission in Haiti on 31 March 1995, this will be the final report of the multinational force.

II. SUMMARY OF OPERATIONS

3. The safest carnival season in at least eight years came to a successful conclusion in Port-au-Prince, with crowds of 750,000 gathering peacefully. Public awareness campaigns and a detailed security and patrol plan by the multinational force were key factors contributing to the safe mardi gras celebration. In response to sporadic increases in crime, the multinational force changed patrol operations and increased attention by providing security to humanitarian agency food convoys. To date, convoys with multinational force security have travelled without incident. Forces of the United Nations Mission in Haiti (UNMIH) continue to arrive in the country, and the multinational force continues to finalize its plans for transition. There were a total of 7,143 multinational force personnel and 654 international police monitors in Haiti.

4. Over a two-day period, from 12 to 14 March, there was an increase in the number of murders in Port-au-Prince. Most of the murders appear to be the result of petty criminals receiving summary "justice" from the people on the scene. No evidence indicates that these actions are interrelated, coordinated or politically motivated. It is anticipated that such attacks will decrease as institutions of law enforcement become more recognized and accepted by the Haitian public. The international police monitors and the multinational force increased their patrols in the areas most affected to help curb this unusual surge in violence.

5. President Aristide has made public remarks stressing the rule of law and reconciliation. As a result of these actions, incidents of violence and popular summary "justice" have fallen off significantly since 14 March.

6. The multinational force continued to project a presence throughout the country, with all missions being well received by the population. The missions conducted over the past two weeks included patrolling by the multinational force in Ouanaminthe, Ft. Liberte, and deployment of an infantry company to Laborgne to conduct an area assessment covering 400 square kilometres. This was the first presence of the multinational force in many of these areas, and it greatly assisted new special forces units in the region. Public affairs teams were able to provide news and information to many residents.

7. The Guatemalan multinational force contingent conducted a mission to Pilate to assist townspeople and several humanitarian agencies with ongoing civil affairs projects, including critical road repairs, which will allow all-weather access to the only medical facility for 10,000 people in the area.

8. The Bangladeshi multinational force contingent conducted a mission to Archaie. As a result, crime in the area dropped significantly. The multinational force also conducted two simultaneous missions from 8 to 10 March. Grose Morne warmly received personnel of the multinational force, who conducted a follow-up area assessment a week after special forces elements departed from the area. The United Nations civilian police representative who participated in the operation assured the local people that the Interim Public Security Forces would maintain a daily presence to keep crime levels low. A second operation to Hinche was designed to familiarize Pakistani leadership with one of their future base camp locations.

9. The weapons buy-back programme collected a total of 692 weapons, bringing the total to 13,281. The total number of weapons either seized or bought back through weapons control programmes of the multinational force is over 30,000.

10. Efforts by the multinational force continued with regard to the overall improvement and acceptance of the Interim Public Security Forces. The multinational force is working closely with the Government of Haiti to resolve pay issues. The Uniform Board finalized the contract on the new uniform for the Interim Public Security Forces, and new uniforms will be available within four weeks.

11. International Criminal Investigative Training Assistance Programme completed screening for students to attend the second class of the national police academy. A total of 375 personnel passed the entrance examination and began class on 13 March 1995. Three members of the Interim Public Security Forces qualified for the class as well. The international police monitors are currently conducting a training programme at Fort Lamentin for the Ministerial Security Force. The first class began on 8 March 1995, and is scheduled to be completed by 17 March 1995. The dates for the second class are 20 to 29 March 1995. Training for the palace security force is on track to begin on 3 April 1995.

III. DEVELOPING A SECURE AND STABLE ENVIRONMENT

12. The multinational force continues to work closely with the MICIVIH Commission in analysing human rights and prison reform issues. The International Organization for Migration job training programme for demobilized Haitian army forces concluded 8 March, with a total of 2,619 personnel registered.

13. Civic action projects sponsored by the multinational force included road repair, repairs of the regional military district headquarters of the Interim Public Security Forces, prison repairs, water, sewage and electricity systems repairs, and distribution of school supplies and food.

14. Representatives of the Civil-Military Operations Centre of the multinational force, USAID and the Government of Haiti are conducting an assessment of Haiti's National Forest, one of the last densely forested areas in the nation, which is in danger of illegal deforestation. The multinational force has worked with the Pan-American Health Organization to develop a nation-wide vaccine programme against rabies. A total of 18 tons of construction material were delivered to the village area of Ft. Gari. The materials will be used to build a school and repair the church in this isolated mountain village.

Annex

Statement dated 15 March 1995 by the head of State of Georgia

Another terrible disaster befell the ethnic Georgian population still remaining in Abkhazia. Between 11 and 14 March 1995, more than 500 boeviks and militiamen led by some leaders of the Abkhaz separatists intruded and burned the Georgian villages of Gali region. According to preliminary data, 24 innocent peaceful inhabitants were executed, over 150 people were captured and many others were tortured, cattle and other property were stolen. This "operation", a new one in a long row of villainous crimes committed by Abkhaz separatists, was characterized by particular brutality and cynicism. Thus, ethnic cleansing and genocide, as the result of which 300,000 civilians have been expelled from Abkhazia and thousands are dead and tortured, is going on.

The negotiations about the peaceful settlement of the conflict in Abkhazia serve as a cover for separatists.

The numerous groups of international observers are surprisingly indifferent towards the crimes committed. Regretfully, they are not even providing information for the relevant international organizations and their own Governments.

The neutrality of the commanders of Russian peace-keeping forces is inconsistent with their mandate, which has been approved by the heads of the States members of the Commonwealth of Independent States and which stipulates that the main task of the peace-keeping forces is to create the necessary preconditions for the secure return of refugees and displaced persons.

I wish to warn the Abkhaz separatists: the patience of people is not inexhaustible. The conciliatory position of the United Nations, CIS member States and the Russian peace-keeping forces towards mass crimes and vandalism, genocide and ethnic cleansing committed by the regime of the Abkhaz separatists has its limits.



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GENERAL

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21 March 1995

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Noting with regret the resignation of Judge Sir Robert Yewdall Jennings, taking effect on 10 July 1995,

Noting further that a vacancy in the International Court of Justice for the remainder of the term of office of Judge Sir Robert Yewdall Jennings will thus occur and must be filled in accordance with the terms of the Statute of the Court,

Noting that, in accordance with Article 14 of the Statute, the date of the election to fill the vacancy shall be fixed by the Security Council,

Decides that the election to fill the vacancy shall take place on 12 July 1995 at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session.

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23 March 1995

ORIGINAL: ENGLISH

LETTER DATED 22 MARCH 1995 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a letter dated 22 March 1995 from
Mr. Vladislav Jovanovic, Minister for Foreign Affairs of the Federal Republic of
Yugoslavia, addressed to you.

I should be grateful if you would have the present letter and its annex
circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

Letter dated 22 March 1995 from the Minister for Foreign Affairs of
Yugoslavia addressed to the President of the Security Council

Allow me to advance the positions of the Government of the Federal Republic of Yugoslavia regarding the growing number of violations of the Security Council resolutions that were adopted concerning the crisis in the former Socialist Federal Republic of Yugoslavia.

As you know, United Nations military observers have, since 10 February 1995, provided information on a great number of transport planes which have landed at Tuzla Airport. Considering that the United Nations Protection Force (UNPROFOR) has confirmed that the Muslim forces continuously denied the United Nations observers access to the part of the airport under their control in the subsequent period as well (12 and 17 February), even after unscheduled flights had been registered, the assumption that the arms shipments for the Muslim side are at stake is highly justified.

I have to recall that Tuzla Airport, which was closed for some time, has been reopened at the insistence of the international community solely for the shipment of humanitarian assistance. Any abuse thereof is dangerous and unscrupulous, and the international community, including the United Nations, bears partial responsibility for it.

By flagrantly violating Security Council resolution 713 (1991) on the arms embargo in the territory of the former Socialist Federal Republic of Yugoslavia and resolutions 781 (1992) and 816 (1993) on "no-fly zones", the Bosnian Muslim side, supported by certain members of the international community, ignores the decisions of the world Organization.

Unfortunately, though informed by the United Nations observers in Bosnia and Herzegovina of the violations of the above resolutions, the Security Council did not adequately respond and even failed to condemn them. Ignoring these illegal activities may not only lead to the heightening of the crisis, but may also endanger the peace efforts towards the attainment of a comprehensive political solution in Bosnia and Herzegovina and in the territory of the former Socialist Federal Republic of Yugoslavia as a whole.

In addition, I avail myself of this opportunity to recall that the Croatian authorities continue with the persecution and ethnic cleansing of the Serbs who live in the territory under their control. So far, 350,000 Serbs have fled the area. Over 30,000 Serb families have been evicted, and a large number have lost their jobs solely on the grounds of their nationality. Such conduct on the part of Croatia is in violation of Security Council resolutions 779 (1992) and 787 (1992).

Moreover, the Croatian Catholic Church, supported by the Croatian authorities, pursues systematic and organized conversion of the Serbs to Catholicism. The Serbs living in the areas under Croat control have been increasingly drafted to the Croat military forces and are being deployed most

often in the areas adjoining the United Nations protected areas (UNPAs), as well as in the former Bosnia and Herzegovina. These are striking examples of the breaches of the basic principles of international law in the field of protection of human rights.

I also wish to draw your attention to the fact that the Croatian authorities are violating the Vance plan and Security Council resolution 802 (1993) by armed provocations along the delimitation line with the Republic of Serb Krajina.

Despite the agreement reached on the demilitarization of the Prevlaka peninsula and its placement under UNPROFOR control, provided for in Security Council resolution 779 (1992), Croatia has been building military objects in this zone and is constantly engaged in various provocations.

Croatia has been receiving major quantities of the most sophisticated weapons and does not hesitate to broadcast it on national television. Also, its territory is extensively used for the arming of the Muslim army in the former Bosnia and Herzegovina. The units of the regular Croatian army are still deployed in the territory of Bosnia and Herzegovina and are actively engaged in military operations. Such Croatian behaviour represents a gross violation of Security Council resolutions 713 (1991) and 787 (1992).

It is unacceptable that the international community, fully aware of all above facts, does not take any measures to prevent the violations of the above-mentioned Security Council resolutions.

By ignoring all these facts, the international community impedes the achievement of a peaceful solution to the crisis in the former Socialist Federal Republic of Yugoslavia and will have to bear its part of the responsibility for the possible tragic consequences. I would therefore like to request you to initiate action in the Security Council as soon as possible in order to condemn those who violate the said resolutions as well as to undertake measures that would ensure their strict observance. This would create conditions for the efficient resolution of the crisis in the territory of the former Socialist Federal Republic of Yugoslavia.

(Signed) Vladislav JOVANOVIĆ
